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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,087	07/16/2003	Nino Silvestro	LEE 2 00310	9266

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EXAMINER

KERNS, KEVIN P

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/621,087

Applicant(s)

SILVESTRO, NINO

Examiner

Kevin P. Kerns

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 12-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☒ Claim(s) 1-27 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/16/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group Ia (claims 1-11) in the reply filed on November 8, 2004 is acknowledged.

### ***Claim Objections***

2. Claim 4 is objected to because of the following informalities: in the 3<sup>rd</sup> line from the end of the claim, a comma should be added after the 2<sup>nd</sup> instance of "latch" for further clarity. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourne (US 4,365,831) in view of Dean (US 6,095,574).

Bourne discloses a channel latch for a door and latch assembly, in which the door and latch assembly is operable for use on an electric arc welder having an access door mounted on a (welder) housing, such that the door has open and closed positions to access and cover, respectively, the inside of the housing (page 1, line 14, of

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applicant's admitted prior art, in the form of a background description referring to Bourne), with the door and latch assembly further including the following: a latch 3 pivotally mounted on the door via pivot means 5, with the latch 3 being rotatably movable between a latch closed (locking) position and a latch open position via latch spring 7; and a latch trigger means 15 operable to be pivotally mounted on the door via a latch trigger spring adjacent pivot 23, such that the latch trigger means 15 further includes a latch trigger actuator biasing means 21, which results in the latch trigger means 15 being movable between first and second positions that control the closing and opening of latch 3 (abstract; column 1, lines 5-45 and 59-68; column 2, lines 1-68; column 3, lines 1-20; and Figures 1-5). Bourne does not disclose the use of a locking device that locks the latch in a closed position when enabled, while allowing the latch to move toward an open position when disabled.

However, Dean discloses a computer enclosure locking mechanism, in which the locking mechanism 12 is attached to an end panel 14 (door) and includes a padlock 17 with a lockbar 15 placed through standoff members 34 (tab having through holes, or lockbar clearance holes 36, extending from the end panel), a bracket 30 having a latchpin retaining surface 32 for holding a releasably secured latchpin 70 (latch) and spring 90 held in a compressed state by padlock 17, such that the latchpin 70 (latch) is locked in a closed position when enabled (latchpin 70 placed in lockbar clearance holes 36), but unlocked in an open position when disabled (latchpin 70 removed from lockbar clearance holes 36), with the locking device being advantageous for preventing

unauthorized access to internal components of the enclosure (abstract; column 1, lines 5-67; column 2, lines 28-67; column 3, lines 1-51; and Figures 1-11).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the channel latch for a door and latch assembly, as disclosed by Bourne, by adding the enclosure locking device taught by Dean, in order to prevent unauthorized access to internal components of the enclosure (Dean; column 1, lines 5-29).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Worley, Jr. et al., Williams, and Loikitz references are also cited in PTO-892.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kevin P. Kerns whose telephone number is (571) 272-1178. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin P. Kerns *Kevin Kerns 12/1/04*  
Examiner  
Art Unit 1725

KPK  
kpk  
December 1, 2004